

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

 UNITED STATES OF AMERICA,

Plaintiff,

v.

JASON L. AMIN-BEY,

Defendant.

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Crim. No. 16-00091 (CCC)

MEMORANDUM ORDER

Defendant Jason L. Amin-Bey (“Defendant”) entered into a plea agreement on February 29, 2016, accepting a guilty plea for forcibly assaulting, resisting, opposing, impeding, intimidating, and interfering with federal law enforcement officers engaged in or on account of the performance of their official duties in violation of 18 U.S.C. § 111(a)(1). ECF No. 61 at 1. The Honorable Jose L. Linares, U.S.D.J. sentenced Defendant on May 12, 2016, to a prison term of time served and one year of supervised release. ECF No. 64. On May 22, 2023, Defendant filed a 793-page document, which appears to be a motion to reopen his case. ECF No. 65. Soon thereafter, Defendant filed a 1,576-page supplemental letter. ECF No. 68. Defendant then filed what has been docketed as a motion to amend with supplemental documents (ECF Nos. 69-71), and a motion for a new trial (ECF No. 72). On June 9, 2023, Defendant filed another supplemental letter. ECF No. 73. On May 30, 2023, this case was reassigned to the undersigned.

It is unclear as to exactly what relief Defendant is pursuing. To the extent Defendant is petitioning to set aside his plea or sentence, he must file a motion pursuant to 28 U.S.C. § 2255 on the proper form. Because federal law requires a district court to dismiss a second § 2255 motion, *see* 28 U.S.C. §§ 2244(a), 2255(h), Defendant must include all available federal claims in his first

§ 2255 motion, *see United States v. Miller*, 197 F.3d 644, 649 (3d Cir. 1999); Rules Governing § 2255 Cases, Rule 2(b)(1), 28 U.S.C. § 2255.

Accordingly, IT IS this 16th day of June, 2023,

ORDERED that if Defendant seeks to have this Court vacate, set aside, or correct his conviction or sentence, he shall file one all-inclusive motion pursuant to 28 U.S.C. § 2255 on the proper form (AO243 (modified): DNJ-Habeas-004 (Rev. 09-2017)), and such motion shall include all available federal claims; and it is further

ORDERED that Defendant's docketed motions (ECF Nos. 65, 69, 72) are denied without prejudice to renewing the arguments therein after the Court receives Defendant's § 2255 motion or other appropriate filing; and it is further

ORDERED that, to the extent Defendant files a § 2255 motion, the Government shall file a full and complete answer to Defendant's motion within forty-five (45) days of its filing; and it is further

ORDERED that the Government shall raise by way of its answer any appropriate defenses that it wishes the Court to consider, including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that the answer shall be accompanied by certified copies of all notices, opinions, documents, transcripts, or recordings of any proceedings, including all documentation that may be material to the questions raised in the motion; in lieu of providing certified copies, however, the Government may cite the criminal docket by referencing the ECF docket entry number and the page; and it is further

ORDERED that Defendant may file and serve a reply in support of the § 2255 motion within forty-five (45) days after the answer is filed; and it is further

ORDERED that the Clerk of the Court shall serve a copy of this memorandum order upon Defendant by regular U.S. mail, accompanied by a blank Motion to Vacate, Set Aside, or Correct a Sentence by a Person in Federal Custody, Form AO243 (modified): DNJ-Habeas-004 (Rev. 09-2017).

SO ORDERED.

s/ Claire C. Cecchi

CLAIRE C. CECCHI, U.S.D.J.